

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIE WEAVER

Plaintiff, No. CIV S-05-0449 FCD CMK

vs.

NOVENCIDO, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed April 27, 2005, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

In accordance with the above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants: Novencido, R. Gile, William Merkle, and James Gomez.
2. The Clerk of the Court shall send plaintiff four USM-285 forms, one

1 summons, an instruction sheet and a copy of the amended complaint filed July 18, 2005.

2           3. Within thirty days from the date of this order, plaintiff shall complete the  
3 attached Notice of Submission of Documents and submit the following documents to the court:

4           a. The completed Notice of Submission of Documents;  
5           b. One completed summons;  
6           c. One completed USM-285 form for each defendant listed in number 1  
7           above; and  
8           d. Five copies of the endorsed amended complaint filed July 18, 2005.

9           4. Plaintiff need not attempt service on defendants and need not request waiver of  
10 service. Upon receipt of the above-described documents, the court will direct the United States  
11 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
12 without payment of costs.

13  
14 DATED: September 6, 2005.

15  
16   
17 CRAIG M. KELLISON  
18 UNITED STATES MAGISTRATE JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

Plaintiff, No. CIV

vs.

Defendants. NOTICE OF SUBMISSION

OF DOCUMENTS

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Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ completed summons form

\_\_\_\_\_ completed USM-285 forms

\_\_\_\_\_ copies of the Amended Complaint

DATED:

Plaintiff